HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO.548 OF 2006

PETITIONER Smt. Sunita Gupta, aged about 35 years, W/o Shri Sanjay Gupta, 18, Gitanjali Enclave, Ring Road no.2, Bilaspur (CG).

versus

RESPONDENT

1. Chhattisgarh State Electricity Board – Through the Secretary, Daganiya para, Raipur (CG).
2. Superintending Engineer, Chhattisgarh State Electricity Board, Divisional Office, Bilaspur (CG).

Present : Mr. A.V. Shridhar, learned counsel for the petitioner.

ORAL ORDER
(Passed on 01st February, 2006)

The petitioner is the owner of the land comprised in Khasra No.504/4 and 506/7 in Ward No.7, Guru Ghasidas Nagar Ward, Ring Road no.2, Bilaspur (C.G.). The petitioner has complained that the respondent – Board has proposed to install a transformer in a land adjoining to the aforementioned lands of the petitioner. It is alleged that if the transformer as proposed by the respondent – Board is installed. it would be dangerously closed to the land of the petitioner and there would be likelihood of accident at some point of time. So alleging, the petitioner has sought for intervention of the Court to prevent the respondent - Board from installing the transformer.

(2) In the writ petition itself, it is disclosed that having come to know of the proposal of the respondent – Board to install transformer, one Geetanjali Enclave Vikas and Kalyan Samit on 22/08/2005 submitted the representation opposing the installation of the transformer. It is also

stated that the petitioner also submitted a representation to the respondent – Board in that regard. Notwithstanding the above oppositions, the above opposition, the respondent – Board has taken steps to install the transformer. The facts stated in the writ petition themselves would disclose that the Board has not agreed with the objectors that the installation of the transformer would be dangerous to the property and/or person of the petitioner or the adjoining owners. There is no need for this Court to pronounce upon the claim put forth by the petitioner in this writ petition. The question whether if the Board installs a transformer in the proposed place, that would be dangerous to persons and properties situate around the said place has to be answered on the basis of evidence that may be led by the parties. That question cannot be resolved in a summary proceeding under Articles 226/227 of the Constitution satisfactorily. In order to grant relief to the petitioner, it becomes imperative for the Court to permit the parties to lead evidence and prove their respective case. The issue brought before the Court cannot be decided only on the basis of affidavits and counter-affidavits. In that view of the matter, I dismiss the writ petition, however, reserving liberty to the petitioner to work-out legal remedies by instituting a suit in the jurisdictional civil Court. No costs.

Sd/-
Chief Justice

Brajesh